

# Oklahoma Education Association Constitution and Bylaws

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# Oklahoma Education Association

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## Constitution and Bylaws Listing of Articles

<b>OEA CONSTITUTION.....</b>	<b>Page 1</b>	<b>OEA BYLAWS .....</b>	<b>Page 3</b>
Preamble .....	Page 1	Article I.....	Page 3
Article I.....	Page 1	Name, Goals, and Authorities for Governance	
Name, Goals, and Authorities for Governance		Article II.....	Page 3
Article II.....	Page 1	Membership, Eligibility, Provisions, and Limitations	
Membership, Eligibility, Provisions, and Limitations		Article III .....	Page 4
Article III .....	Page 1	Affiliation	
Affiliation		Article IV .....	Page 5
Article IV .....	Page 1	Structure	
Structure		Article V.....	Page 6
Article V.....	Page 1	Governance, Officers, Board of Directors, Delegate	
Governance, Officers, Board of Directors, Delegate		Assembly and Review Board	
Assembly, and Review Board		Article VI .....	Page 14
Article VI .....	Page 2	Committees	
Committees		Article VII.....	Page 14
Article VII.....	Page 2	Administration	
Administration		Article VIII.....	Page 15
Article VIII.....	Page 2	Finance	
Finance		Article IX .....	Page 16
Article IX .....	Page 2	Amendments to the Constitution and Bylaws	
Amendments to the Constitution and Bylaws		Article X.....	Page 17
Article X.....	Page 2	Interpretation	
Interpretation		Definitions.....	Page 17

# OEA Constitution

*Last amended 2005*

## **Preamble**

We, the members of the Oklahoma Education Association, in order that the OEA may speak for education in the State of Oklahoma, advance the cause of education, secure professional autonomy, contribute to and gain recognition for professional excellence, promote and protect human and civil rights, and further the interests and welfare of educational employees, do hereby establish this Constitution of the Oklahoma Education Association.

## **Article I. Name, Goals, and Authorities for Governance**

- 1.1 The name of this organization shall be the Oklahoma Education Association (OEA).
- 1.2 The goals of the OEA shall be as stated in the Preamble. The OEA shall have all power necessary and proper to take action for the attainment of these goals. Nothing in this Constitution or in the Bylaws shall be construed to prevent the OEA from pursuing other objectives which are consistent with the stated goals of the OEA.
- 1.3 The OEA shall receive, hold, and administer funds and property as a non-profit organization under Oklahoma law.
- 1.4 The OEA shall be governed by this Constitution and Bylaws and such other actions as the Delegate Assembly and the Board of Directors may make consistent therewith.

## **Article II. Membership, Eligibility, Provisions, and Limitations**

- 2.1 Membership in the OEA shall comprise a class of active members and such other classes as may be provided in the Bylaws.
- 2.2 Membership as provided in the Bylaws shall be open to all persons actively engaged in the profession or in other educational work or to persons interested in advancing the cause of public education who shall agree to subscribe to the goals and objectives of the OEA and to abide by its Constitution and Bylaws.
  - A. *An application for membership* shall be

subject to review and class placement by the Board of Directors as provided in the Constitution and Bylaws.

- B. *The OEA shall not deny membership* to individuals on the basis of race, creed, national origin, religion, or gender, nor shall any organization which so denies membership be affiliated with the OEA.
- C. *Members shall adhere to the Code of Ethics* of the Education Profession.

- 2.3 The right to vote and to hold office shall be limited to active members except as otherwise provided in the Constitution and Bylaws.
- 2.4 Membership shall pay to the OEA such annual united membership dues, where applicable, as may be established by the Delegate Assembly through procedures set forth in the Bylaws.
- 2.5 All rights, titles, and interests, both legal and equitable, of a member in and to the property of the OEA shall end upon the termination of the individual's membership.

## **Article III. Affiliation**

- 3.1 Affiliation shall mean a relationship based on a mutual agreement between the OEA and an organization involved with or interested in education.
- 3.2 The OEA shall be affiliated with the National Education Association (NEA).

## **Article IV. Structure**

- 4.1 The OEA shall be composed of zones and local affiliates.

## **Article V. Governance, Officers, Board of Directors, Delegate Assembly, and Review Board**

- 5.1 The Executive Officers of the OEA shall be the President and the Vice President.
- 5.2 The Board of Directors shall consist of the Executive Officers, the NEA Directors, Executive Committee member(s) of the National Education Association from Oklahoma who shall serve as non-voting ex-officio director(s), the Zone Directors, and the Directors-at-Large.

# Constitution continued

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5.3 The Delegate Assembly shall be the governing body of the OEA and shall consist of members elected from its local affiliates, the Board of Directors of the OEA, and such other members as provided in the Bylaws.

A. *The duties of the Delegate Assembly* shall be described in the Bylaws.

B. *The Delegate Assembly* shall meet annually as described in the Bylaws.

5.4 The judicial powers of the OEA shall be vested in a Review Board.

## Article VI. Committees

6.1 The OEA shall have standing committees and ad hoc committees as necessary to carry on the work of the Association.

## Article VII. Administration

7.1 The Board of Directors shall employ an Executive Director who shall be responsible to the Board of Directors.

7.2 The Executive Director shall be the chief administrator of the OEA staff.

## Article VIII. Finance

8.1 The OEA fiscal year shall be as provided in the Bylaws.

8.2 The OEA shall establish a General Fund as provided in the Bylaws.

8.3 The OEA shall establish a Capital Improvement Fund as provided in the Bylaws.

8.4 Investment policies for the General Fund and for the Capital Improvement Fund shall be established as provided in the Bylaws.

8.5 The Executive Director shall be responsible for preparing a report of the General Fund and the Capital Improvement Fund as provided in the Bylaws.

## Article IX. Amendments to the Constitution and Bylaws

9.1 The Constitution may be amended by a two-thirds (2/3) vote of the ballots cast at a Delegate Assembly in a procedure prescribed in the Bylaws or by a majority of the membership voting in a procedure prescribed in the Bylaws.

9.2 Bylaws consistent with the Constitution may be adopted or amended by a majority vote of the delegates present and voting at any regular meeting or a special called meeting of the Delegate Assembly. All delegates shall be notified of any proposed amendment thirty (30) days in advance of the meeting.

## Article X. Interpretation

10.1 The Board of Directors shall have the authority to interpret the Constitution and Bylaws.

# OEA Bylaws

*Last amended 2018*

## **Article I. Name, Goals, and Authorities for Governance**

- 1.1 The name of this organization shall be the Oklahoma Education Association, hereinafter referred to as the OEA.
- 1.2 The specific objectives directed toward the achievement of the stated goals of the OEA shall be, but not limited to:
- A. *Providing a structure* for the OEA to ensure the full and effective participation of all members, thereby establishing and maintaining an independent, self-governing organization;
  - B. *Developing and maintaining systems* designed to prevent violations of the human and civil rights of school personnel;
  - C. *Developing and maintaining systems* for protecting the substantive and procedural due process rights of school personnel;
  - D. *Assuring that every local* affiliate has the opportunity to engage in good faith collective bargaining;
  - E. *Maintaining* state and local programs designed to improve personal economic benefits for members;
  - F. *Promoting* the participation of school personnel in educational decision-making at all levels;
  - G. *Assisting students* in realizing their potential;
  - H. *Promoting continuous improvement* of instruction and of curriculum;
  - I. *Removing inequities* in taxation through equalization of assessment;
  - J. *Seeking increased revenue* to place Oklahoma at the national average in revenue per pupil;
  - K. *Expanding membership* in the Association;
  - L. *Building and maintaining* a system of local affiliates.
- 1.3 A quorum of all meetings of all official bodies of the Association shall be a majority of those certified to vote at such meeting.
- 1.4 The OEA shall be governed by this Constitution and Bylaws and such other actions the Delegate Assembly and the Board of Directors may make consistent therewith.

## **Article II. Membership, Eligibility, Provisions, and Limitations.**

- 2.1 Classes of membership in the OEA shall consist of six (6) classes: Active, Staff, Student, Retired, Reserve, and Substitute.
- A. *Active membership* shall be open to any person who is professionally engaged in the work of education or is a non-certified person who is employed by the school district or other educational institution. Active membership is limited to persons who support the principles and goals of OEA and maintain membership in the National Education Association and local affiliates where eligible.
  - B. *Staff membership* shall be open to any person employed by the OEA or its affiliates.
  - C. *Student members* must maintain membership in the National Education Student Program and local chapters where eligible.
  - D. *Retired membership* shall be open to:
    - 1. a. Any person drawing benefits from the Teachers' Retirement System of Oklahoma prior to June 1, 2003; or
    - b. Any person who began drawing benefits from the Teacher's Retirement System of Oklahoma after June 1, 2003 and who was an OEA-NEA member at the time of their retirement, must continue to maintain a unified membership. Any person not a member of NEA at the time of retirement will have the option of NEA-R membership;
    - 2. Any person living in Oklahoma who retired from educational work in another state, and who is receiving benefits from the teacher retirement system in that state, provided the qualifications set forth in number 1.a or 1.b are met;
    - 3. a. Any person who is no longer actively teaching or employed in the public education system of Oklahoma and a member of the Teacher Retirement System of Oklahoma who has attained the age of 45; or

# Bylaws continued

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b. Any person who is actively teaching or employed in the public education system of Oklahoma who has attained the age of 45 and who maintains an active OEA/NEA membership, may join as a pre-retired OREA member.

- E. *Reserve membership* shall be open to any person who is on leave of absence of at least six (6) months from the employment that qualifies that individual for Active membership or who has held Active membership in the Association but whose employment status no longer qualifies that individual for such membership.
- F. *Substitute membership* shall be open to any person employed in the public education system of Oklahoma on a day-to-day basis as a substitute and who is not eligible for Active Membership.
- G. *A member may appeal* the assigned class of membership to the Board of Directors.

## 2.2 Eligibility, Provisions, and Limitations.

- A. *Membership* in the local affiliate shall be determined by the affiliate.
- B. *The membership year* shall be from September 1 through August 31. Membership shall be continuous unless terminated for cause.
- C. *The Executive Director* under the direction of the Board of Directors shall issue a certificate of membership.
- D. *Active life members* at the time of adoption of this Constitution and Bylaws shall continue to hold active membership for life.
- E. *Applications for Life Membership* shall not be accepted. The Board of Directors may award honorary memberships.
- F. *Classes of memberships* other than active shall receive those rights and privileges designated by the Board of Directors.
- G. *All active members* shall be eligible to receive special services, assistance in the protection of professional and civil rights, and reports and publications of OEA.
- H. *Any member*, other than a life member, who changes profession or occupational position shall be transferred to the class of membership applicable to this new position and shall not remain in a class of membership for which the member is no longer eligible. Members

receiving legal assistance shall be required to maintain their membership in the same class as when legal services were requested until the litigation has been resolved.

2.3 The right to vote and to hold office shall be limited to active members, except as otherwise provided for in the Bylaws.

## 2.4 Membership Dues.

- A. *Dues of all classes* of membership shall be set by the Delegate Assembly and shall remain the same until changed by subsequent Delegate Assemblies.
- B. *The OEA dues* shall be part of the unified membership dues (NEA, OEA, and local, where eligible).
- C. *Nothing herein* should be interpreted as prohibiting a local affiliate from levying dues.
- D. *Each zone* which qualifies (Article IV.1.B) shall receive one dollar and twenty-five cents (\$1.25) for each active certified member and sixty-five cents (\$.65) for each educational support professional.
- E. *Local affiliates* shall have the full responsibility for transmitting state and national dues on a contractual basis. Standards and contracts for transmitting dues shall be developed between the state affiliate and each local affiliate.

## **Article III. Affiliation**

3.1 Affiliation shall mean a relationship based on mutual agreement between the OEA and an organization involved with or interested in education and shall continue until the affiliate withdraws or is disaffiliated.

3.2 Affiliates of the OEA shall take all reasonable steps to assure their elective and appointive bodies shall have ethnic minority representation proportionate to the ethnic minority membership of the affiliate.

3.3 Affiliates shall be governance or non-governance.

A. *The governance affiliates* shall be composed exclusively of local affiliates and shall:

1. Apply the one-person/one-vote principle for representation on its governing bodies except that the affiliate shall provide ethnic minority representation at least proportionate to its

# Bylaws continued

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ethnic minority membership;

2. Provide proportional representation between classroom teachers, non-certified members, and administrative members where an all inclusive affiliate exists;
3. Guarantee its active members an open nomination procedure and voting by secret ballot except as otherwise provided in this Constitution or in the Bylaws. No governance affiliate shall discriminate against its active members in their right to vote, seek office, or otherwise participate in the affairs of the affiliate or the OEA, except as otherwise provided in this Constitution and Bylaws;
4. Be subject to censure or suspension upon two-thirds (2/3) vote of the Board of Directors when failing to comply with standards and procedures in the governing documents including the Constitution and Bylaws.

B. *The non-governance affiliates* shall be composed of all other affiliated organizations. An organization with a common interest or occupation may form a special interest group with no delegate rights but may send recommendations to the Board of Directors.

3.4 The rights of an affiliate shall be to:

- A. *Conduct* its own affairs by forming its own organization, electing officers and establishing a program provided none of these activities are inconsistent with the program or the Constitution and Bylaws of the OEA;
- B. *Determine* its own membership dues;
- C. *Set goals* and establish a budget;
- D. *Be represented* where eligible in the governance bodies of the OEA;
- E. *Receive rebates* where eligible as provided in the Bylaws.

3.5 The responsibilities of an affiliate shall be to:

- A. *Adopt and file* a written Constitution and/or Bylaws with the OEA. Such a document shall comply with the Constitution and Bylaws of OEA and NEA;
- B. *Support and keep* its membership informed of the program and activities of the Association;
- C. *Provide credentials* and documentation of election for delegates to governance bodies as required in the Bylaws;

D. *Refuse membership* to any person who does not meet the membership requirements of the Association.

3.6 The OEA shall be affiliated with the National Education Association (NEA).

## Article IV. Structure

4.1 The OEA shall be affiliated with and composed of zones and local affiliates.

- A. *A zone shall be that part* of the OEA composed of membership population as established by the Board of Directors.
- B. *In order for a zone to qualify for its rebate*, zones must have a zone Executive Board which includes the Zone Director to determine zone activities. Guidelines will be established by the OEA Board of Directors.

4.2 A local affiliate shall be composed of members of a single school district, a higher education institution, the state department, multiple school districts, multiple higher education institutions, or other educational groups. If the local affiliate has fewer members than that required to qualify for one delegate to the Delegate Assembly, the affiliate must cluster with other/another like affiliate(s) to achieve the number of members to qualify for a delegate.

- A. *A local affiliate* must comply with the following:
1. File a copy of its Constitution and/or Bylaws with the OEA office;
  2. Hold at least two (2) meetings a year;
  3. Enact regulations governing the time of electing its officers, provided that such elections shall be held prior to June 1 of each year. The names of the officers must be sent to the OEA office within thirty (30) days of the election;
  4. Conduct all elections with open nominations and voting by secret ballot;
  5. File a written report of local affiliate activities with the OEA office on or before July 1.

# Bylaws continued

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## Article V. Governance, Officers, Board of Directors, Delegate Assembly, and Review Board

### 5.1 Officers

The Executive Officers of the OEA shall be the President and the Vice President.

- A. *Qualifications.* All candidates for the office of President or Vice President shall be active members of the OEA.
- B. *Filing.* Any active members of the OEA may file for office. Filing forms must be received at the OEA Headquarters in Oklahoma City during a filing period which begins on July 15 and ends the first Friday in October.
- C. *Election.* The President and Vice President shall be elected by a secret ballot vote of the membership. The procedure for the election of the President and Vice President shall be established by the Board of Directors.
  1. A majority vote of those voting shall be required for election.
  2. If more than two (2) candidates are nominated and no candidate receives a majority, a run-off election shall be held between the top two candidates.
- D. *Term of Office.* The term of the elected officers shall begin at the close of the National Education Association Representative Assembly. In the event the National Education Association Representative Assembly does not meet, the terms of office shall begin July 15.

The President and Vice President shall serve a three (3) year term with a two (2) term limit. Upon election the President and Vice President shall serve as non-voting members of the Board of Directors. They shall become voting members when their term begins as stated in the Article.
- E. *Powers and duties of the President.* The President shall be the chief executive officer of the OEA and its policy leader. The President shall:
  1. Serve full time at a salary recommended by the Board of Directors and approved through the budgetary process at the Delegate Assembly;
  2. Represent the OEA on matters of policy or assign, at the President's discretion, responsibility for such representation;
  3. Review OEA policies and make recommen-

dations to be considered by the Board of Directors and the Delegate Assembly;

4. Co-sign with the Executive Director all authorizations for disbursement of OEA funds;
  5. Sign all contracts and other documents approved by the Board of Directors;
  6. Call special meetings of the Delegate Assembly as approved by the Board of Directors;
  7. Preside at all meetings of the Delegate Assembly, the Board of Directors, and the NEA Representative Assembly State Delegate meetings;
  8. Call regular and special meetings of the Board of Directors;
  9. Prepare the agenda for the governing bodies of the OEA and the program for the annual meetings;
  10. Appoint all committees and chairpersons, and fill committee vacancies with the advice and consent of the Board of Directors;
  11. Coordinate activities and serve as an ex-officio member of all committees authorized by the governing bodies except for any committee dealing with the compensation of the President;
  12. Serve as State Delegate to the NEA Representative Assembly during the tenure of office;
  13. Serve as first alternate to the NEA Directors;
  14. Fulfill such other duties as the office requires and as consistent with the Constitution and Bylaws.
- F. *Powers and duties of the Vice President.* The Vice President shall:
1. Serve full time at a salary recommended by the Board of Directors and approved through the budgetary process at the Delegate Assembly;
  2. In the absence of the President, perform the duties and exercise the powers of that office as directed by the President;
  3. Serve as acting President when the President is unable to perform the duties of the office;
  4. Assume the office of President in case of vacancy;
  5. Serve as State Delegate to the NEA Representative Assembly during the term of office;



# Bylaws continued

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6. Serve as second alternate to the NEA Directors;
7. Perform such other duties as are stipulated by the Constitution, by the Bylaws, and by the President.

G. *Vacancy in the Office of Vice President.* In case of vacancy in the office of Vice President, the OEA Board of Directors shall have the authority to appoint a successor to serve until the next regularly scheduled election. At that time the unexpired term will be filled according to regular election procedures.

H. *Impeachment.* Executive officers of the OEA may be removed from office for violation of the Code of Ethics of the Education Profession, and for misfeasance, malfeasance, or nonfeasance in office.

1. Impeachment proceedings against an executive officer shall be initiated by written permission submitted to the Review Board by at least fifteen percent (15%) of the certified delegates of the OEA Delegate Assembly.
2. If, after a due process hearing, a two-thirds (2/3) vote of the Review Board shall sustain the charge or charges the office shall become vacant.
3. The office may appeal the decision to the OEA Board of Directors. A two-thirds (2/3) vote of the Board shall be necessary to overturn the decision of the Review Board.

## 5.2 Board of Directors

The Board of Directors shall consist of the Executive Officers, the NEA Directors, Executive Committee member(s) of the National Education Association from Oklahoma who shall serve as non-voting ex-officio director(s), the Zone Directors, and the Directors-at-Large.

A. *NEA Directors.*

1. *Qualifications/Election.* NEA State Directors for which the OEA is qualified under terms of the NEA Constitution and Bylaws shall be elected by a secret ballot vote of the active membership in the year in which a term expires. The election shall comply with the provisions of the NEA Bylaws.
2. *Filing.* Filing forms must be received at the OEA headquarters in Oklahoma City during

the filing period which begins on July 15 and ends the first Friday in October.

- a. A majority vote is required for election.
- b. If more than two (2) candidates are nominated for an office and no candidate receives a majority, a run-off election shall be held between the top two (2) candidates.

3. *Term.* The NEA Director shall assume office and serve a term or terms in accordance with the NEA Constitution, Bylaws, and Standing Rules.

4. *Vacancies.* Vacancies arising in the office of the State NEA Directors shall be filled upon recommendation of the OEA Board of Directors by the NEA Board of Directors when in session, or when not in session, by the NEA Executive Committee. The individual(s) appointed shall serve until the first opportunity that a successor director may be elected in accordance with the regular election procedure. An NEA Director shall immediately relinquish the position on the NEA Board when employment ceases in the category represented.

B. *Zone Director*

1. *Qualifications.*

- a. Allocations of Zone Director seats shall be based on the number of active OEA members as of January 15 of the calendar year in which the election is held.
- b. A candidate for a Zone Director position shall be an active member of that zone, provided such person does not serve in an administrative capacity.

2. *Filing.* Filing forms must be received at the OEA headquarters in Oklahoma City during a filing period from February 1 through 5:00 p.m. on the third Friday in February.

3. *Election.* Election shall be by a secret ballot vote of the active membership in the zone, provided such person does not serve in an administrative capacity. The procedure for the election of Zone Directors shall be established by the Board of Directors.

- a. A majority vote is required for election.
- b. If more than two (2) candidates are nominated and no candidate receives a

# Bylaws continued

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majority, a run-off election shall be held between the top two candidates.

## 4. Term.

- a. The Zone and the Administrator Director-at-large shall serve for a three (3) year term. A Director who serves a full term shall be eligible to succeed himself/herself for one full term. A Director who has served two consecutive terms will be eligible to serve again after said Director has not served for a full term (3 years). The term shall begin immediately following the close of the NEA Representative Assembly for the year in which he / she was elected. In the event the NEA Representative Assembly does not meet, the term of office shall begin on July 15.
- b. When any Director ceases to be actively engaged in educational work or ceases to be employed in the category the Director represents, the position shall become vacant.
- c. The Directors shall serve as delegates-at-large of the Delegate Assembly.

5. Vacancy. In case of a Zone Director vacancy, the Board of Directors, upon recommendations of the local presidents from within the zone, within sixty (60) days will fill the vacancy by appointment effective until the next regularly scheduled OEA election. At that time, the unexpired term will be filled according to zone election procedures. In the event no eligible OEA member files, the OEA President shall call a meeting of the local association presidents of that zone to prepare a slate of candidates.

## C. Members-at-Large.

### 1. Administrator Directors-at-Large.

- a. Administrators shall be represented on the Board of Directors in proportion to their membership in the OEA.
- b. Filing for administrator director-at-large positions must be received at the OEA headquarters during a filing period from February 1 through 5:00 p.m. on the third Friday in February.
- c. Election shall be by a secret ballot vote of the active administrator membership. The

procedure for the election of Administrator Director-at-Large shall be established by the Board of Directors.

- 1) A majority vote shall be required for election.

- 2) If more than two (2) candidates are nominated and no candidate receives a majority, a runoff election shall be held between the top two (2) candidates.

### 2. Ethnic Minority Directors-at-Large.

Members of ethnic minorities shall comprise a proportion of the Board of Directors equal to their proportion of OEA membership. If the number of ethnic minority members elected to the Board of Directors fails to achieve the necessary proportion, the President shall appoint, with the approval of the Board of Directors, as many ethnic minority directors-at-large as appropriate. Such appointments shall be of one year duration beginning July 15. Persons so appointed may be reappointed.

### 3. Student Oklahoma Education Association (SOEA) Member Director-at-Large.

- a. The President of the Student Oklahoma Education Association shall represent the student membership on the Board of Directors.
- b. The SOEA President shall be elected by secret ballot vote of SOEA members in accordance with the SOEA Constitution and Bylaws.
- c. Term of office shall be one (1) year beginning July 15. The SOEA President shall be eligible to succeed himself /herself for one (1) term according to the SOEA Constitution and Bylaws.

### 4. Educational Support Director(s)-at-Large.

Education support professional members shall comprise a proportion of the Board of Directors equal to their proportion of OEA membership. If the number of education support professional members on the Board of Directors fails to achieve the necessary proportion, the OEA President shall appoint, with the advice and consent of the Board of Directors, the number of at-large members

# Bylaws continued

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required to assure such representation. Such appointments shall be of one year duration beginning July 15. Persons so appointed may be reappointed.

## 5. Retired Director-at-Large.

- a. The highest ranking officer of the OREA who is an NEA-R member shall represent the retired membership on the OEA Board of Directors. The OREA officer shall be elected by secret ballot vote.
- b. If no officer of OREA is an NEA-R member, a NEA-R representative on the OEA Board of Directors will be selected by a secret ballot vote of NEA-R members.
- c. The term of office shall be one (1) year commencing on July 15. A member shall serve no more than six (6) consecutive years.

## 6. Vacancy.

In case of a Director-at-Large vacancy on the Board of Directors the following procedure shall be used.

- a. If the vacant position is an administrator director-at-large, the Board of Directors shall fill the vacancy by appointment effective until the next regularly scheduled OEA election. At that time, the unexpired term shall be filled according to the election guidelines;
- b. If the vacant position is an ex-officio director-at-large, the same process used to fill the vacancy for the unexpired term shall be followed as was used for the initial appointment.

## D. Removal of Directors

A Zone Director, Director-at-Large, and NEA Director may be removed from office for violation of the Code of Ethics of the Education Profession, and for misfeasance, malfeasance, and nonfeasance in office.

1. Impeachment proceedings against a Zone Director may be initiated by written petition submitted to the Review Board signed by at least fifty (50) OEA members from that zone.
2. Removal proceedings against a director-at-large may be initiated by written petition submitted to the Review Board signed by

at least fifty (50) OEA members from the director's-at-large constituent group.

3. Removal proceedings against an NEA Director may be initiated by written petition submitted to the Review Board signed by at least one thousand (1,000) OEA members.
  4. If after a due process hearing a two-thirds (2/3) vote of the Review Board shall sustain the charge, the position shall become vacant.
  5. The Zone Directors may appeal the decision to the general membership of the zone. Directors-at-Large and NEA directors may appeal to the Delegate Assembly.
- E. *Meetings.* The Board of Directors shall meet on the call of the President of the OEA or the call of a majority of its members. Three consecutive unexcused absences from regularly called meetings of the Board of Directors may result in a declaration of vacancy by the Board of Directors. A director so removed shall have the right to appeal the action of the Board of Directors to the Review Board.
- F. *Powers and Duties.*
1. The Board of Directors shall have the power to make decisions consistent with the provisions of the OEA Constitution and Bylaws and actions of the Delegate Assembly.
  2. The Board of Directors shall:
    - a. Study needs and develop recommendations to submit to the Delegate Assembly regarding the welfare of the organization and of education;
    - b. Prescribe qualifications, fix salaries, outline duties of all employees and to develop recommendations on policy affecting the welfare of the OEA Staff;
    - c. Have a budget prepared to be submitted to the Delegate Assembly;
    - d. Supervise the expenditure of funds in accordance with the approved budget;
    - e. Cause an annual audit of OEA funds and investments to be made by a licensed public accountant;
    - f. Bond, in a sufficient amount, officers and employees of the OEA;
    - g. Report to the membership important ac-

# Bylaws continued

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- tions and decisions affecting the OEA and public education;
- h. Accept and/or approve reports of duly constituted committees of the OEA;
  - i. Review reports of applications for affiliation;
  - j. Create governance zones of OEA for the election of Directors in accordance with NEA guidelines;
  - k. Select the Executive Director of the OEA and issue a contract for a period not to exceed three (3) years and act upon the recommendation of the Executive Director concerning staff of the OEA;
  - l. Hear an appeal of a decision made by the Review Board concerning the impeachment of an executive officer, two-thirds (2/3) vote of the Board shall be necessary to overturn the decision of the Review Board;
  - m. Rule on matters of impeachment of Review Board members:
    - 1) A majority vote of the Board of Directors shall be required to order an impeachment hearing on specified charges made by the Delegate Assembly or a local affiliate;
    - 2) A majority vote of at least two-thirds (2/3) of the Board of Directors shall be required to sustain a charge following a due process hearing;
  - n. Approve or reject for cause applications for membership and make assignments to membership classes;
  - o. Censure, suspend, or expel an affiliate pursuant to procedures adopted by the Delegate Assembly. A local affiliate may appeal such decision to the Delegate Assembly;
  - p. Reinstate an affiliate pursuant to procedures adopted by the Delegate Assembly;
  - q. Act upon applications of units applying to cluster to meet the requirements for representation;
  - r. Discharge such other necessary fiscal responsibilities;
  - s. Prepare and submit OEA Constitution and

- Bylaws amendments to the Constitution Committee for Delegate Assembly action;
- t. Provide for expenditure of revenue collected in excess of budgeted amounts;
  - u. Establish ad hoc committees;
  - v. Have the power to interpret the Constitution and Bylaws; and
  - w. Determine when the President is unable to perform the duties of his/her office.

## 5.3 Delegate Assembly.

The Delegate Assembly shall be the governing body of the OEA.

### A. Local Affiliate.

- 1. Allocation of delegate and alternate credentials to a local affiliate shall be based on the number of active OEA members as of January 15 of the calendar year in which the Delegate Assembly convenes.
  - a. Each local affiliate shall be entitled to one (1) delegate and one (1) alternate for each six (6) to sixty (60) classroom teacher and/or education support professional members and one (1) delegate and one (1) alternate for each six (6) to sixty (60) administrator members of that local.
  - b. Each delegation shall be permitted to cast a vote equal in weight to the number of active members represented provided that no individual delegate may cast fewer than six (6) votes nor more than sixty (60) votes provided that votes shall be distributed equally within each local affiliate by membership type.
  - c. Each affiliate having fewer than six (6) members must cluster with other local affiliates of like membership to be represented. Application for cluster approval should be submitted to the Board of Directors not later than February 1. An approved cluster affiliate shall receive its allocation by February 20. The delegates and alternates shall be elected and certified by the OEA by March 15 in accordance with election procedures as prescribed by these Bylaws.
  - d. Newly formed local affiliates applying before February 1 shall, upon approval,

# Bylaws continued

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- elect delegates and alternates to the current year Delegate Assembly.
- e. All delegates and alternates shall be elected and certified to the OEA by March 15 in accordance with election procedures as prescribed by these Bylaws.
2. Delegates and alternates to the Delegate Assembly shall be elected by local affiliates. Alternates must be of the same educational position as the delegate.
    - a. Delegates and alternates shall be nominated and elected through provisions of the local affiliate's constitution and bylaws which include open nominations, secret ballot vote, and one-person/one-vote principle. Representation shall be on the basis of proportional representation by ethnic minorities proportional to membership in the local. Representation from local affiliates which provide all-inclusive membership shall be on the basis of proportional representation by educational position.
    - b. The local affiliate president, secretary, and election committee chairperson shall certify to the OEA office in writing the election of delegates and alternates. Certification shall be on a form provided by the OEA and shall include:
      - 1) Date of election;
      - 2) Number participating in election;
      - 3) Statement that voting was by secret ballot;
      - 4) Statement of compliance with all pertinent regulations;
      - 5) Name, address, professional position and ethnic designation of each delegate and alternate. Any change in local delegates and/or alternates should be accompanied by a letter of certification from the local president to the Credentials Committee at Delegate Assembly Registration.
    - c. When any delegate or alternate ceases to be actively engaged in education work, or ceases to be employed in the category the member represents, the position shall be declared vacant by the affiliate to which the member belongs.
    - d. Delegates shall be elected from each local affiliate of the OEA for such terms as provided by the local affiliate's constitution, but in no event shall terms exceed three (3) years. An individual elected to a multi-year term shall serve if the delegate and the affiliate continue to qualify for the local position.
    - e. The official term of an annual Delegate Assembly shall be from one day prior to the opening session until one day prior to the subsequent opening session. Delegates' terms shall coincide with the annual Delegate Assembly term(s).
- B. *The Board of Directors, Delegates-at-Large, NEA-R members, Student Education and Ex-Officio members.*
    1. The Board of Directors of the OEA shall be members of the Delegate Assembly with full privileges. Each Zone Director shall have one (1) vote.
    2. Delegates-at-Large with full privileges including voting shall be:
      - a. Administrator delegates who are not eligible for membership in a local or from locals with fewer than six (6) administrator members. Administrator members-at-large shall be entitled to one (1) delegate and one (1) alternate for each six (6) to sixty (60) members statewide.
        - 1) These administrator members will file and vote for delegates on a statewide administrator-only ballot.
        - 2) Each administrator delegate-at-large shall be permitted to cast a vote equal in weight to the number of active members represented provided that no individual delegate may cast fewer than six (6) nor more than sixty (60) votes and provided that votes shall be distributed equally among the delegates.
      - b. Ethnic minority delegates to achieve proportional representation. Each Ethnic Minority Delegate-at-Large shall have ten (10) votes.
      - c. NEA-R members shall be entitled to one (1) delegate and one (1) alternate for the first sixty (60) members. Additional del-

# Bylaws continued

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legates and alternates shall be allotted for every 400 members thereafter.

1) These NEA-R members will file and vote for delegates on a statewide NEA-R only ballot.

2) Each NEA-R delegate shall be permitted to cast a weighted vote of six (6) each.

d. Student members shall be allocated two (2) delegates with a weighted vote of six (6) each.

3. Ex-officio members with full privileges except voting shall be:

a. A representative elected by the OEA Past President's organization;

b. Every local affiliate president, who is not an elected delegate, may serve as an ex-officio member.

4. All members of the OEA, delegate or non-delegate, shall be entitled to a voice from the floor of the Delegate Assembly upon recognition by the presiding officer and approval of the Delegate Assembly.

C. *Duties of the Delegate Assembly* shall be to:

1. Enact a program and to establish policies and objectives to be implemented by the Board of Directors;

2. Have an annual meeting;

3. Adopt the standing rules and the agenda for its meetings;

4. Consider the minutes of its most recent meetings;

5. Consider the approval of the reports of all committees and to act upon any specific recommendations that are not under resolutions or new business;

6. Act on Resolutions;

7. Act on New Business items;

8. Adopt a budget and establish OEA dues;

9. Amend the Constitution and Bylaws of the OEA;

10. Decide on the seating of delegates when the Credentials Committee is challenged;

11. Adopt legislative goals;

12. Adopt bargaining goals;

13. Enact such other measures as are necessary to achieve the goals and objectives of

the OEA which are not in conflict with the Constitution and Bylaws;

14. Establish and abolish standing and ad hoc committees as needed;

15. Initiate impeachment proceedings against Executive officers. A written petition signed by at least fifteen percent (15%) of the certified delegates of the Delegate Assembly shall be necessary to initiate the proceedings and shall be submitted to the Review Board;

16. Initiate impeachment proceedings against members of the Review Board. Impeachment proceedings against a member of the Review Board shall be initiated by action of the Delegate Assembly or upon petition of fifteen percent (15%) of the certified delegates under rules determined by the Delegate Assembly;

17. Hear an appeal of a decision made by the Review Board concerning either the impeachment of a Director-at-large or the impeachment of an NEA Director. A two-thirds (2/3) vote of the Delegate Assembly is required to overturn a decision of the Review Board;

18. Hear an appeal of a decision made by the Board of Directors concerning the impeachment of a member of the Review Board;

19. Receive the report of the President;

20. Receive the report of the Executive Director;

21. Have special meetings as needed. Special meetings may be called by:

a. The President;

b. The Board of Directors upon a three-fourths (3/4) vote;

c. A petition signed by ten percent (10%) of the active members of the OEA (based on the number of active OEA members as of January 15th of the calendar year in which the petition is submitted.)

D. *Expenses of the Delegates.*

The expenses of the delegates to the Delegate Assembly elected by local affiliates are to be paid by the local affiliates.

E. *The latest edition of Robert's Rules of Order* shall be the parliamentary authority where the

# Bylaws continued

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Constitution, Bylaws, and Standing Rules do not rule.

F. *Committees for the Delegate Assembly* shall be listed in an OEA handbook.

## 5.4 Review Board

The judicial powers of OEA shall be vested in a Review Board.

### A. *Jurisdiction.*

The Review Board shall have original jurisdiction in the following cases:

1. Impeachment of an executive officer;
2. Impeachment of a Zone Director, Director-at-Large, or NEA Director;
3. Alleged violations of recognized professional standards, including the provisions of the Code of Ethics of the Education Profession;
4. Censure, suspension, or expulsion of a member;
5. Review, upon request, an action of the OEA Board of Directors or Delegate Assembly regarding consistent application of the OEA Constitution or Bylaws.

### B. *Composition and Structure.*

1. The Review Board shall be comprised of nine (9) members, at least one (1) of whom shall be a member of an ethnic minority group, appointed for three year terms. No person shall be eligible to appointment to more than two (2) consecutive terms.
2. Members of the Review Board shall have been active members of the OEA for three (3) consecutive years immediately prior to appointment. Members of the Review Board shall maintain active or retired membership.
3. The Review Board shall be appointed by the President with the advice and consent of the Board of Directors.
4. A member of the Review Board shall hold no other elective office or appointive position of the OEA or in its affiliates during the period of appointment to the Review Board.
5. No executive officer or member of the OEA Board of Directors shall be appointed to the Review Board within two (2) years following separation from the office.
6. Expenses, including any loss of salary, incurred by Review Board members while

on official business of the Board shall be reimbursed by the OEA. Except as provided above, a member of the Review Board shall not accept any honorarium or any other payment from any source at the local, state and national level of the Association.

7. The Review Board may assign less than a majority, but no less than three (3) of its members to hear cases unless otherwise specified herein; however, a member so assigned shall not participate in any appellate proceedings related to the case on appeal.
8. The President shall annually select the chairperson with the advice and consent of the Board of Directors.
9. The Review Board shall establish its rules of procedure with the approval of the Board of Directors. Due process must be guaranteed in all its proceedings.

### C. *Powers.*

The Review Board shall have the following powers subject to the conditions herein outlined:

1. To impeach an executive officer. The executive officer shall have the right to appeal a decision of the Review Board to the OEA Board of Directors. A two-thirds (2/3) vote of the Board of Directors is required to overturn a decision of the Review Board.
2. To impeach a Zone Director, Director-at-Large or an NEA Director.
  - a. An NEA Director and Director-at-Large shall have the right to appeal to the Delegate Assembly. A two-thirds (2/3) vote of the Delegate Assembly is required to overturn a decision of the Review Board.
  - b. A Zone Director shall have the right to appeal to the general membership of the zone. A two-thirds (2/3) vote of the general membership of the zone is required to overturn a decision of the Review Board.
3. To censure, suspend, or expel a member for:
  - a. Flagrant or continued violation of recognized professional standards, including the provisions of the Code of Ethics of the Education Profession;
  - b. Personal advocacy or membership in an organization which advocates the chang-

# Bylaws continued

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ing of the form of government of the United States by force;

- c. Conviction of a felony. The member shall have the right to appeal to the Board of Directors on procedural grounds only;
4. To vacate, censure, lift suspension or reinstate a member;
5. To review an action of the Board of Directors or Delegate Assembly on grounds of consistency with the Constitution and Bylaws and to recommend to the appropriate governing body remedial action, if necessary. Requests for review may be made only by the Board of Directors, Delegate Assembly, a local affiliate (by official action) or upon petition of ten percent (10%) of the certified delegates of the Delegate Assembly.

## D. Impeachments.

1. Members of the Review Board may be impeached for violation of the Code of Ethics of the Education Profession, and for malfeasance, misfeasance, or nonfeasance in office.
2. The process for impeachment of Review Board members shall be as follows:
  - a. Proceedings against a member of the Review Board shall be initiated by action of the Delegate Assembly or by official action of a local affiliate or upon petition of fifteen percent (15%) of the certified delegates of the Delegate Assembly under the rules determined by the Delegate Assembly;
  - b. A majority vote of the Board of Directors shall be required to order a hearing on specified charges;
  - c. A two-thirds (2/3) vote of the members of the Board of Directors shall be required to sustain a charge related to the removal of a member of the Review Board. Upon the removal of a member of the Review Board, the position shall become vacant. Appointment to fill a vacancy shall be in accordance with Article VI;
  - d. A Review Board member may appeal an adverse decision of the Board of Directors to the Delegate Assembly. A two-thirds (2/3) vote of the Delegate As-

sembly is required to overturn a decision of the Board of Directors.

## Article VI. Committees

- 6.1 Standing and Ad Hoc committees shall be established by the Delegate Assembly.
- 6.2 Ad Hoc committees may be established by the President with approval of the Board of Directors.
- 6.3 The Association shall have the following standing committees: Affiliate Relations, Budget, Collective Bargaining, Communications, Constitution, Credentials, Education Support Professional, Elections, Forces on Education, Human and Civil Rights, Instruction and Professional Development, Legal and Corporate, Legislative, Resolutions, Member Benefits, and Standing Rules.
- 6.4 The duties, terms of office, composition, method of appointment, and method of filling vacancies shall be stated in an OEA handbook.
- 6.5 Committees for the Delegate Assembly shall be listed in an OEA handbook.
- 6.6 All committees shall be appointed by the President with the approval of the Board of Directors.
- 6.7 The President shall serve as an ex-officio member of all committees.
- 6.8 The OEA shall take all reasonable and legally permissible steps to achieve on its appointed committees ethnic-minority representation that is at least proportional to the ethnic-minority membership.

## Article VII. Administration

- 7.1 The Board of Directors shall employ an Executive Director who shall be chief administrator of the OEA. The Executive Director's salary shall be established by the Board of Directors.
- 7.2 The Executive Director shall be responsible to the Board of Directors to execute policies as established by the Board of Directors and the Delegate Assembly and shall:
  - A. *Employ, assign, terminate, supervise, and evaluate* all OEA staff in accordance with OEA policies;
  - B. *Meet periodically* with the President, Vice President, and appropriate staff to confer on OEA policies and procedures.
  - C. *Represent the OEA* on matters of established policy at the discretion of the President;
  - D. *Advise the officers* and governing bodies on all



# Bylaws continued

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policy matters through appropriate reports and recommendations;

- E. *Serve as a consultant* to the governing bodies of the OEA;
- F. *Be responsible* for developing and implementing programs consistent with the policies of the OEA;
- G. *Notify state and local* affiliates and other qualified organizations of the number of Delegate Assembly delegates to which they are entitled;
- H. *Be responsible* for receiving the member credentials and for preparing records of all official meetings and for distributing the minutes of all such meetings;
- I. *Furnish each member* appropriate evidence of membership;
- J. *Advise and assist* the Budget Committee in preparing a budget and administer the budget authorized by the Delegate Assembly;
- K. *Receive all funds* and be responsible for their being deposited to the credit of the OEA for safekeeping and accounting;
- L. *Co-sign* with the President all authorizations for disbursement of OEA funds;
- M. *Make financial reports* as required by the Board of Directors;
- N. *Furnish evidence* to the Board of Directors of the amount of bond on officers and employees of the OEA;
- O. *Recommend* an independent auditing firm to the Board of Directors;
- P. *Perform such other duties* as may be assigned by the Board of Directors.

7.3 Staff. The following principles shall govern employment and functions of the staff as agents of the OEA:

- A. *Local and state staff* shall be eligible only for staff membership in the Association and shall not hold elective or appointive positions at any level;
- B. *The OEA shall be an equal opportunity employer*;
- C. *The OEA shall recognize* the rights of its employees to organize for the purpose of collective bargaining.

## Article VIII. Finance

8.1 Fiscal year. The fiscal year of the OEA shall be September 1 through August 31.

8.2 General Fund.

- A. *The General Fund* of the OEA shall comprise all income received in the form of dues, interest, fees, earnings from advertising, income from exhibits, grants from NEA, payments for services, and funds received by gift, bequest, or transfer to the OEA which are not specifically designated for deposit in the Capitol Improvement Fund.
- B. *All operating accounts* and debt service shall be paid out of the General Fund.
- C. *Disbursements* from the General Fund shall be by check, co-signed by the Executive Director and the President.
- D. *The OEA Board of Directors* shall have the authority to transfer funds within the approved budget.

8.3 Capital Improvement Fund

- A. *The Capital Improvement Fund* shall comprise the properties and permanent investments of the OEA, payments from the sale of OEA properties, and other funds or properties received by gift, bequest, or transfer for deposit in this fund.
- B. *Disbursement* from the Capital Improvement Fund to acquire new properties or to provide for major long-term improvements in existing properties shall be authorized by a two-thirds (2/3) vote of the Board of Directors. Expenditures from this fund for any other purpose shall be authorized by a two-thirds (2/3) vote of the Delegate Assembly.
- C. Disbursements from the Capital Improvement Fund shall be by check, co-signed by the Executive Director and the President.

8.4 Investment Policies. The Investment Policies for the General Fund and for the Capital Improvement Fund shall be established by the Board of Directors.

8.5 Financial Reports. The Executive Director shall prepare an annual report of the General Fund and the Capital Improvement Fund, including income and expenditures for the fiscal year. The audit report received by the Board of Directors shall be printed in the annual financial report to the Delegate Assembly. A summary of the audit shall be printed in a publication distributed to all members.

# Bylaws continued

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## Article IX. Amendments to the Constitution and Bylaws.

9.1 All proposed amendments to this Constitution and Bylaws shall be in writing with rationale attached and shall:

- A. *Be prepared* by the Board of Directors or
- B. *Be signed by* at least twenty-five (25) members of the OEA, one of whom shall be designated as the contact person;
  - 1. List the name, mailing address and school in which each petitioner works;
  - 2. Be submitted by certified mail to the Executive Director of the OEA during the period which begins on July 15 and ends the second (2nd) Friday in November.

9.2 Upon receipt of amendments to the Constitution and Bylaws proposed by petition, the Executive Director shall:

- A. *Direct the OEA staff* to verify and report the requirements set in 9.1;
- B. *Within two working days notify* the contact person by certified mail return receipt requested the disposition of the proposed amendment;
- C. *Mail copies* of proposed amendments and verification reports to each member of the Constitution Committee no later than the first (1st) Friday in December.

9.3 The Constitution Committee shall:

- A. *Meet to consider* all proposed amendments submitted to the committee;
- B. *Confer* with contact persons for approval of any grammatical and/or technical corrections;
- C. *Report all proposed amendments* submitted to the committee to the Board of Directors, with or without recommendations, no later than seventy (70) days prior to the annual Delegate Assembly.

9.4 The Board of Directors shall:

- A. *Review* at the next meeting the proposed amendment(s) for presentation with or without recommendation to the annual Delegate Assembly;
- B. *Provide* each delegate a copy of all proposed amendments no later than thirty (30) days before the annual Delegate Assembly;
- C. *Publish* the proposed amendments in a publica-

tion to be mailed to all members at least thirty (30) days prior to the meeting of the annual Delegate Assembly.

9.5 A proposed Bylaws amendment shall be declared adopted if it receives a majority vote of delegates present and voting unless it is contingent upon the adoption of a constitutional amendment.

9.6 A proposed constitutional amendment shall be declared adopted if it receives a two-thirds (2/3) vote of the delegates present and voting.

9.7 Withdrawal of Amendments.

A. *Amendments* prepared by the Board of Directors may be withdrawn by the Board of Directors.

B. *Requests for withdrawal* of amendment submitted by petition shall be submitted in writing to the Constitution Committee. The request shall be signed by at least two-thirds (2/3) of the members signing the originally proposed amendment. Such withdrawal shall be effective when approved by the Board of Directors.

9.8 Referendum.

In addition to the method of proposing amendments to the Constitution and Bylaws as previously stated, amendments may be proposed by the initiative petition method as herein prescribed:

A. *A petition signed by ten percent (10%)* of the active members of the OEA shall constitute an initiative petition to propose an amendment to this Constitution and Bylaws. The members who sign such petition shall sign their names, addresses and school where they are working. Any initiative petition shall be filed by registered mail with the Board of Directors during the school year in which signatures are obtained;

B. *Within sixty (60) days* after the petition has been filed, the Board of Directors shall publish the constitutional amendment in an official publication of the OEA and within forty-five (45) days after said publication shall submit the proposed amendment to the entire active membership of the OEA for their approval or rejection, provided that the ballot must be submitted during the school year. Such proposed amendment shall become effective when approved by a majority of the active members voting.

9.9 Request for withdrawal of an initiative petition to propose any amendment to this Constitution and

# Bylaws continued

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Bylaws shall be submitted to the Board of Directors. The request shall be signed by at least two-thirds (2/3) of the members signing the originally proposed amendment. Such withdrawal shall be effective when approved by the Board of Directors.

## Article X. Interpretation

The Board of Directors shall have the power to interpret the Constitution and Bylaws.

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## Definitions

**Administrator and Supervisor** shall mean any person who has continuing authority to hire, transfer, discipline, dismiss, or otherwise direct employees or to effectively recommend any of the aforesaid actions.

**Appellate jurisdiction** is the power and authority to take charge of a cause and proceed to its determination, not in its initial stage but only after it has been decided by another body.

**Cause** as used with reference to the Constitution and Bylaws means a just, not arbitrary cause; one relating to a material matter, or affecting the Association's interest. Conduct indicating unworthy or illegal motives or improper administration of power such as misfeasance or nonfeasance may be considered legal cause or just cause.

**Classroom Teacher** shall mean any person who is certified, where required, and a major part of whose time is spent in direct contact with students or who performs allied work which results in placement of the person on a local salary schedule for teachers.

**Education Support Professional** shall mean any non-certified employee of a public school district in the state.

**Ethnic Minority** shall mean those persons designated as ethnic minority by statistics published by the United States Bureau of Census. This designation shall specifically include Black, Mexican-American (Chicano), other Spanish-speaking groups, Asian-American, and American Indian.

**Impeachment** is a proceeding against an Association officer before the Review Board instituted by the filing of a petition with the Review Board, or if involving a Review Board member, the Delegate Assembly.

**Local affiliates** may be a single school district, a higher education institution, the state department of education, multiple school districts, multiple higher education institutions, or other education groups.

**Malfeasance** is a comprehensive term which includes any wrongful conduct that affects, interrupts or interferes with the performance of official duties. Malfeasance generally connotes the commission of some act which is positively unlawful or the doing of an act which is wrongful and unlawful.

**Misfeasance** is the improper performance of some act which a person may lawfully be required to do.

**Nonfeasance** is the omission of an act which a person ought to do.

**One-person/one-vote** principle shall mean a voting procedure by which the vote of each member of the constituency has equal weight, so that in the elected governing body, each delegate represents approximately the same number of constituents as each and every other delegate.

**Original jurisdiction** is the authority to hear or decide in the first instance as distinguished from appellate jurisdiction.

**Resolutions** are an expression of philosophy or policy governing the OEA and determining the program. (5/03) (8/03) (8/04) (4/05) (4/09) (4/10)